

ATTCH M -- TRUST DECLARA-
TION BY THE STATE OF IDAHO

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TRUST FUND DECLARATION

The State of Idaho (STATE) hereby makes a declaration of trust according to the terms and conditions which follow:

1. This declaration of trust is made for the benefit of human health and the environment within the Bunker Hill Superfund Site (SITE) in Shoshone County, Idaho. The SITE is defined by paragraph 4.AD. of the CONSENT DECREE to which this TRUST FUND DECLARATION is an attachment.

2. All monies paid to the STATE by the SETTLING DEFENDANTS, pursuant to paragraphs 7.c. and d. of the CONSENT DECREE, shall be held by the STATE as a TRUST FUND in an account which will be invested to accrue interest to the TRUST FUND in accordance with Idaho Code § 67-1210. All other monies paid to, or contributed by, the STATE for placement in the TRUST FUND pursuant to other agreements or appropriations shall be likewise held and invested.

3. The Governor of the STATE, or his designee, shall be TRUSTEE of the TRUST FUND and shall be authorized and empowered, consistent with this TRUST FUND DECLARATION, to direct expenditures of monies from the TRUST FUND.

4. Monies paid to, or contributed by, the STATE and designated to the TRUST FUND shall be used solely and exclusively as follows:

A. The sum of ONE MILLION DOLLARS (\$1,000,000), paid by the SETTLING DEFENDANTS pursuant to 7.d. of the CONSENT DECREE, and any income earned therefrom, shall be utilized by the TRUSTEE to fund blood lead screening and house dust activities or other institutional control activities within the SITE for the benefit of human health and the environment within the SITE (that are not part of the specific Institutional Control Program activities required by the CONSENT DECREE and Attachment D thereto).

B. Any monies paid by the SETTLING DEFENDANTS pursuant to 7.c. of the CONSENT DECREE, and any income therefrom, shall be utilized by the TRUSTEE to fund Institutional Control Program activities required by the CONSENT DECREE and Attachment D thereto.

C. Any monies paid to, or contributed by, the STATE for placement in the TRUST FUND pursuant to any agreement or appropriation other than the CONSENT DECREE, and any income therefrom, shall be utilized by the TRUSTEE to fund institutional control activities or other activities for the benefit of human health and the environment within the SITE (that are not part of the specific Institutional Control Program activities required by the CONSENT DECREE and Attachment D thereto). The use of such monies shall also be in accordance with the terms of the agreement or appropriation providing for placement of such monies in the TRUST FUND.

5. The TRUSTEE shall cause a brief annual report to be

rendered and available to the public as to the amount, investment interest and expenditures of the TRUST FUND.

IN WITNESS WHEREOF, the State of Idaho makes this declaration of trust.

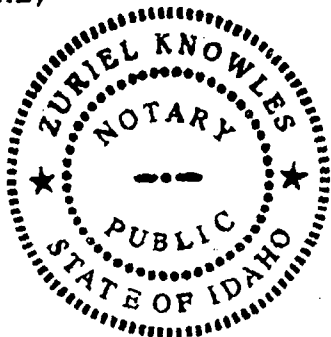
DATED May 2, 1994

STATE OF IDAHO

By Cecil D. Andrus
Cecil D. Andrus
Governor

SUBSCRIBED AND SWORN to before me this 2nd day of May, 1994.

(SEAL)



Zuriel Knowles
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: July 19, 1997